

## ORDINANCE NO. 400

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, ANNEXING THE CATERINY PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF ORANGE CITY, FLORIDA; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF WEST RHODE ISLAND AVENUE, APPROXIMATELY 550 FEET WEST OF SOUTH VOLUSIA AVENUE, CONTAINING APPROXIMATELY 0.34 ACRES; IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF FLORIDA STATUTE 171.044; REDEFINING THE BOUNDARIES OF THE CITY OF ORANGE CITY BY AMENDING THE APPROPRIATE SECTIONS OF THE CODE OF ORDINANCES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Martin, Michael and Barbara Cateriny are the owners in fee simple of certain real property generally located on the north side of West Rhode Island Avenue, approximately 550 feet west of South Volusia Avenue, containing approximately 0.34 acres as hereinafter described, and

**WHEREAS**, the Cateriny property is currently situated within the jurisdiction of the County of Volusia, and

**WHEREAS**, the property owners are desirous of having their property annexed into the City limits of the City of Orange City, Florida, and

**WHEREAS**, the property owners have petitioned the City of Orange City for voluntary annexation of their property pursuant to Florida Statute 171.044, and

**WHEREAS**, the City Council of the City of Orange City hereby finds that the Cateriny property is contiguous to and abuts the City boundaries of the City of Orange City, Florida, and that the Cateriny property is reasonably compact, and annexation of said property will not result in the creation of an enclave, and that said annexation meets the other requirements of Florida Statute 171.044, and

**WHEREAS**, the City of Orange City, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Orange City, Florida, deems it in the best interest of the City to accept said petition and annex said property.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That the Cateriny property, generally located on the north side of West Rhode Island Avenue, approximately 550 feet west of South Volusia Avenue, containing approximately 0.34 acres, a description of which is attached hereto as Attachment "A", and by reference incorporated herein with full force and effect, is hereby annexed and made part of the City of Orange City, Florida, pursuant to Section 171.044, Florida Statutes.

**SECTION 2.** That upon adoption of this ordinance, the appropriate Sections of the Code of Ordinances of the City of Orange City shall be amended by redefining the boundaries of the City to include the lands described in Section 1.

**SECTION 3.** The City Clerk of the City of Orange City, Florida, is hereby directed pursuant to Section 171.044(3) of the Florida Statutes to comply with the public notification requirements for adoption of this ordinance, including sending a copy of the notice, via certified mail, to the County Council of the County of Volusia, and that upon adoption of this ordinance, certified copies shall be filed with the Clerk of the Circuit Court and the Chief Administrative Officer of the County of Volusia, the Department of State in Tallahassee, and the Office of the Governor, within seven days from the effective date of the ordinance, pursuant to Section 171.044.

**SECTION 4.** That upon this ordinance becoming effective, the property owners and any residents on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Orange City, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Orange City, Florida, and the provisions of said Chapter 171, Florida Statutes.

**SECTION 5. Repealer:** That all ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed, as well as any portion in conflict herewith.

**SECTION 6. Severability:** If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

**SECTION 7. Effective Date:** This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 400):**

First Reading this 28<sup>th</sup> day of July, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 400):**

Second Reading this 11<sup>th</sup> day of August, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 11<sup>th</sup> day of August, 2009.

**ATTEST:**

Deborah J. Renner  
Deborah J. Renner, CMC, City Clerk

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr.  
William E. Reischmann, Jr., City Attorney

# **Attachment A**

## **Ordinance No. 400**

### **Legal Description**

#### **Cateriny Annexation**

**Property located on West Rhode Island Avenue**

**Name: Martin, Michael and Barbara Cateriny**

**Street Address: 115 West Rhode Island Avenue**

**Parcel ID: 8010-11-00-0600**

**Acreage: 0.34**

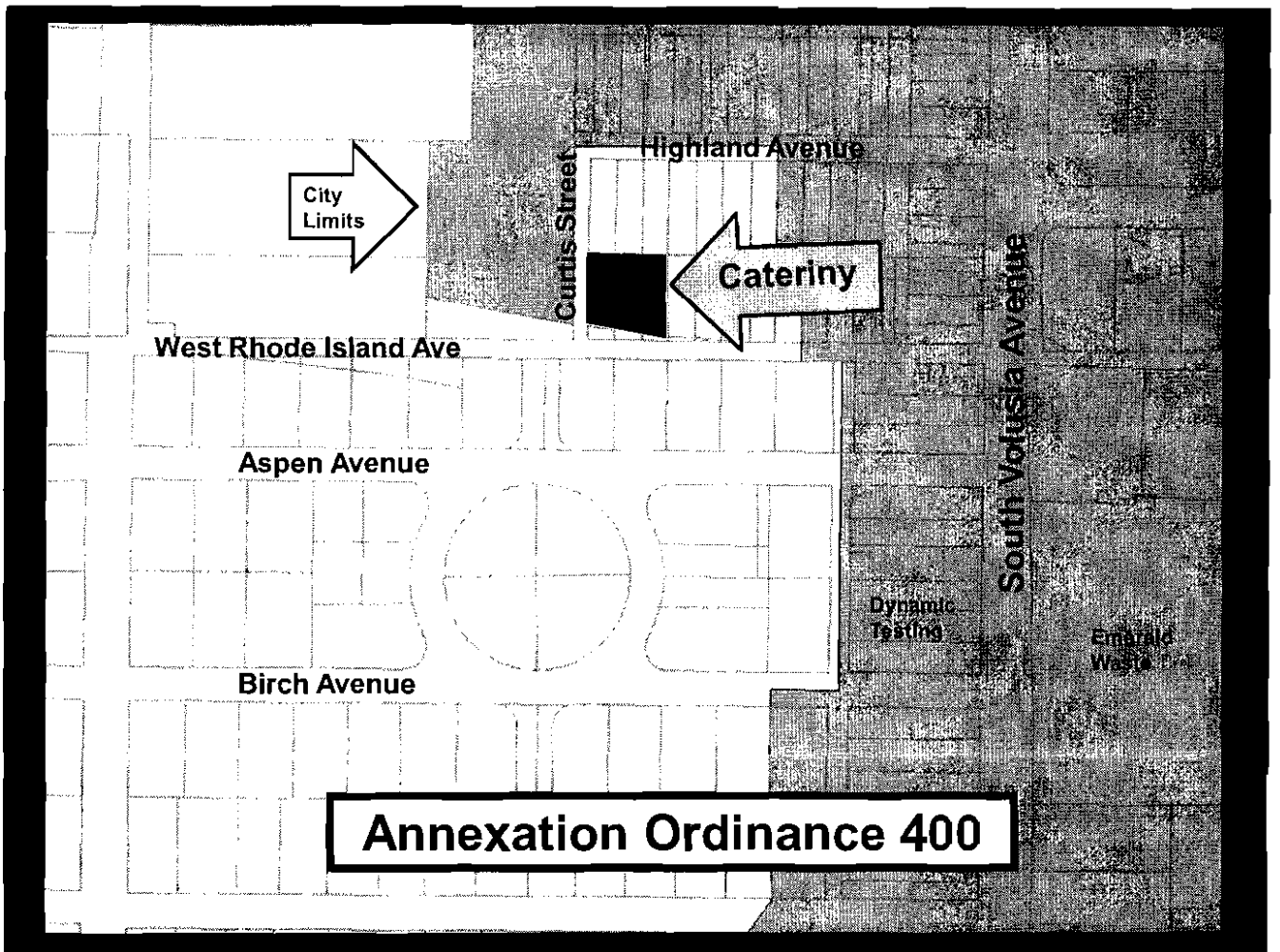
**Legal Description: Section 10, Township 18 South, Range 30 East**  
**Lots 60, 61, and 62, Plat of Charles R. Trevaskis Subdivision, according to the map recorded in Map Book 15, Page 163, of the Public Records of Volusia County, Florida. Less and except that portion of Lots 60, 61 and 62, Plat of Charles R. Trevaskis Subdivision, according to the map recorded in Map Book 15, Page 163, of the Public Records of Volusia County, Florida, being more particularly described as follows:**

**Beginning at the Southeast corner of said Lot 60; thence run North 84°38'01" West, along the South line of said Lots 60, 61 and 62, a distance of 120.36 feet to the Southwest corner of said Lot 62; thence run North 05°22'40" East, along the West line of said Lot 62, a distance of 20.67 feet to a point on a non-tangent curve concave Northeasterly, said curve having a radius of 2018.00 feet, a chord distance of 121.11 feet and a chord bearing of South 78°08'41" East; thence run Southeasterly along the arc of said curve, through a central angle of 03°26'21", an arc distance of 121.13 feet to its intersection with the East line of aforementioned Lot 60; thence departing said curve, on a non-tangent line, run South 05°06'43" West, along said East line, a distance of 6.99 feet, returning to the Point of Beginning.**

# Attachment B

## Ordinance No. 400

### Cateriny Annexation



## Cateriny Property Status Report

### Ownership Status

Property Owner	<b>Martin, Michael and Barbara Cateriny</b>				
Applicants Name					
Mailing Address	<b>1118 Florida Avenue</b>				
City	<b>Orange City</b>	State	<b>Florida</b>	Zip	<b>32763</b>

### General Description of Current Property Status :

Property Location	<b>Located on the north side of West Rhode Island Avenue approximately 550 feet west of South Volusia Avenue.</b>				
Property Address	<b>115 West Rhode Island Avenue</b>				
Size of Property	Width:	<b>120</b>	Depth:	<b>125</b>	Acres: <b>0.34</b>
Total Acres	<b>0.34</b>				
Population	<b>None</b>				
Number of Structures	<b>One</b>				
Dwelling Units	<b>None</b>				
Building Square Feet	<b>829</b>				
Parcel Number	<b>8010-11-00-0600</b>				
Legal Description	<b>See Attachment A Legal Description to Ordinance 400</b>				

### Current Revenue Status

	Volusia County	Orange City
Total Millage Rate	<b>(19.38832)</b>	<b>(19.26027)</b>
City Millage Rate	<b>N/A</b>	<b>(4.48000)</b>
Assessed Land Value	<b>27,933</b>	<b>27,933</b>
Assessed Building Value	<b>58,083</b>	<b>58,083</b>
Exemption	<b>0</b>	<b>0</b>
Taxable Value	<b>86,016</b>	<b>86,016</b>
Stormwater	<b>72.00</b>	<b>N/A</b>
Total Ad Valorem	<b>1,667.70</b>	<b>1,656.69</b>
City Ad Valorem	<b>N/A</b>	<b>385.35</b>

The above revenues are based on the current assessed property value as listed in the Volusia County 2008 Tax Roll.

### Subject Property Current Land Use and Zoning Description

<b>The subject property currently maintains the following:</b>	
Land Use Designation	<b>(Volusia County) ULI Urban Low Intensity</b>
Zoning	<b>(Volusia County) R-4 Urban Single Family Residential</b>
	<b>The property usage is a day care facility.</b>

### Detailed Subject Property Proposed Land Use and Zoning Description

<b>The subject property is proposed to be changed to the following:</b>	
Land Use Designation	<b>(Orange City) CG Commercial General</b>
Zoning	<b>(Orange City) CG-2 Commercial General</b>
	<b>The property is proposed to continue as a day care facility.</b>

# Petition for Annexation

## Into the City of Orange City, Florida

Applicant's Name: **Martin and Michael Cateriny** Phone:

Business Name: Phone:

Address: **1118 Florida Avenue** Fax:

City: **Orange City** State: **Florida** Zip: **32763**

Mailing Address: **Same** e-mail:

City: State: Zip:

### Property Information

Property Address: **115 West Rhode Island Avenue**

The subject property is located on the **north** side of **West Rhode Island Avenue**  
approximately **550** feet **west** from its intersection with **South Volusia Avenue**

Parcel Number: **8010-11-00-0600** Parcel Number: **N/A** Acres **0.34**

The existing land use of the property is **Single Family Residential**

Whereas, (I / We) **Martin and Michael Cateriny**  
(is / are) the owner(s) of property abutting and contiguous to the existing city limits of the  
City of Orange City, Florida, do voluntarily petition the City of Orange City, Florida,  
pursuant to Section 171.044, Florida Statutes, that (my / our) property be annexed into the  
City of Orange City, Florida

Whereas, said property to be annexed is more particularly described in the legal  
description as follows:

### Legal Description

**See Attachment "A", Legal description for Cateriny Annexation**

Therefore, (I / We) do request that the above described property owned by (me / us) in fee  
simple be annexed as part and parcel of the City of Orange City, Florida

# Notarization

State of Florida

County of Volusia

Martin J Catering  
Print Name

[Signature]  
Signature

Barbara B Catering  
Print Name

[Signature]  
Signature

MIKE J. CATERING  
Print Name

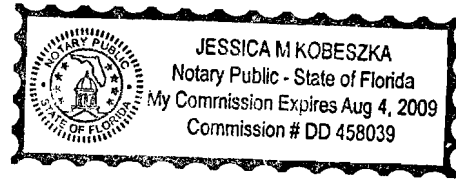
[Signature]  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this the 20<sup>th</sup> day of July 2009  
who is/are personally known to me or has/ have produced FL DL  
as identification.

[Signature]  
Signature, Notary Public



Notary Stamp

The City of Orange City  
Petition for Annexation